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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO.1552 OF 2006
IN
INCOME TAX APPEAL (LOD) NO.663 OF 2006

The Commissioner of Income Tax ..Appellant.

V/s.

Mr.Suresh G.Makhija ..Respondent.

Mr.S.M.Shah for appellant.

CORAM : F.I.REBELLO AND
J.P.DEVADHAR, JJ.

DATED : 22ND OCTOBER, 2007.

P.C. :-

There is a delay of 1012 days in preferring the appeal. There is affidavit in support of the Motion. The order of the I.T.A.T. dated 25/2/2003 was received by the CIT, Central II, Mumbai on 12/3/2003. The due date of filing the appeal was 10/7/2003. The judicial folder was sent to Ministry of Law on 8/7/2003. The judicial folder was finally sent back on 20/12/2005. The draft appeal memo was received on 8/2/06. There is no explanation whatsoever for the delay between 8/7/2003 and 20/12/2005. Considering the cause shown, in our opinion, the same would not amount to sufficient cause. Hence Motion is dismissed.

(J.P.DEVADHAR, J.) **(F.I.REBELL0, J.)**